IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND SIX

PRESENT
THE HON'BLE SRI JUSTICE BILAL NAZKI
AND
THE HON'BLE SRI JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.18630 of 2000

Between:

G.V.Krishna Rao.

..... PETITIONER

AND

High Court of Andhra Pradesh,
Rep. by its Registrar (Admn.)
Hyderabad and others.

.....RESPONDENTS

ORDER: ***(Per Hon'ble Sri Justice Bilal Nazki)***

Heard learned Counsel for the petitioner as well as learned Standing Counsel for the respondents.

The petitioner had joined services of the Judiciary on
08-08-1966 as Lower Division Clerk. His case is that

Government issued G.O.Ms.No.117 Finance & Planning (FWPRC-I) Department, dated 25-05-1981, which came into operation with effect from 01-04-1981. Broadly speaking, this G.O. took care of stagnation of employees in various categories and laid down a special promotion scale to avoid such stagnation. Subject to acquisition of qualifications, all the employees were entitled to be promoted after putting up 22 years of service. The petitioner claims that he was entitled to a special promotion in terms of G.O.Ms.No.117, dated
25-05-1981, in the year 1988 when he became eligible for the next higher post after acquiring the requisite qualification by passing the departmental examinations. Petitioner made a claim for being promoted in terms of G.O.Ms.No.117, dated
25-05-1981, but it was rejected on the ground that the he did not appear for an interview.

After hearing learned Counsel for the parties and perusing the record, we have found that although the petitioner became eligible for promotion with effect from 16-05-1988, he did not submit the particulars to the respondents that he had passed the departmental examinations and was eligible for promotion in the year 1988. For the first time, the petitioner made an

application in the year 1998, and the District Judge called him for an interview by letter dated 23-07-1998, but he did not choose to appear before the interview. Therefore, his claim was rejected.

The learned Counsel appearing for the petitioner submits that there was no need for the promotion committee to assess the petitioner or to call him for an interview because in terms of G.O.Ms.No.117, dated 25-05-1981, it was time bound promotion to which the petitioner was entitled to and the G.O. had been passed only to surmount the difficulties faced by the employees because of stagnation.

In view of the GO referred to above, the petitioner, by virtue of putting the requisite service and by virtue of acquiring the qualifications required for the next higher post, had to be promoted in the year 1988 and it was not necessary for him to appear for an interview for being promoted. But, at the same time, it was necessary for the petitioner at least to inform the officers concerned that he had become eligible after acquiring the necessary qualifications by passing the departmental tests. Admittedly, this was not done by the petitioner till 11-05-1998. Therefore, the respondents cannot be blamed for not having

promoted the petitioner till 11-05-1998. However, after the petitioner informed the respondent-Department that he had become eligible for special promotion, the respondent-Department could not reject his claim either on the ground that for ten years he did not inform them that he had become eligible or on the ground that he did not appear for the interview. In the meantime, we are told that the petitioner had already retired on 30-12-1998. Therefore, in order to do justice in the matter, we direct that the petitioner may be treated to have been promoted with effect from 08-08-1988 notionally up to 29-07-1998 and regular promotion be treated to have been given to him with effect from 29-07-1998. For the period from 08-08-1988 to 29-07-1998, the petitioner shall not be entitled to any arrears of salary. His pay be fixed on promoted post w.e.f., 29-07-1998 and he may accordingly be given the pensionary benefits.

Accordingly, the Writ Petition is partly allowed. No costs

(Bilal Nazki, J)

20th July, 2006

(M.Venkateswara Reddy, J)

LUR